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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,058	12/30/2003	Vladimir Savchenko	6570P062	9106
8791 7590 04/27/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
HIGA, BRENDAN Y				
ART UNIT		PAPER NUMBER		
2453				
MAIL DATE		DELIVERY MODE		
04/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,058

Applicant(s)

SAVCHENKO ET AL.

Examiner

BRENDAN Y. HIGA

Art Unit

2453

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 18, 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35, 38-43, 46-51 and 54-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35, 38-43, 46-51 and 54-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 18, 2009 has been entered.

Claims 35, 38-43, 46-51 and 54-58 are pending.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 35, 38-43, 46-51 and 54-58 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-35 of U.S.

Patent No. 7,487,513 (Patent 513').

Current Application	Patent 513'
<p>Claim 35 A method in an application server, comprising:</p> <p><i>Receiving a web service archive including: A web service implementation having a plurality of web service operations and web service parameters being independent of runtime implementation requirements of the application server,</i></p> <p><i>A web service deployment descriptor specifying a mapping of the web service operations and web service parameters to the runtime implementation requirements of the application server, and</i></p> <p><i>A first and second virtual interface, each to selectively expose a different subset of the web service operations and the web service parameters in the web service implementation, wherein each of the first and second virtual interfaces are publishable as a separate deployed web service;</i></p> <p>Unpacking the web service implementation, the web service deployment descriptor, and the first and second virtual interface from the web services archive into a directory within the application server; and</p> <p>Deploying each of the first and second virtual interfaces as separately published web services within the application server based on the mapping specified by the web service deployment</p>	<p>1. A computer-implemented method for generating a deployable Web service archive, comprising: selecting a Web service implementation comprising a plurality of Web service operations and a plurality of Web service parameters; generating a first virtual interface to the Web service implementation, the first virtual interface to expose a first subset of the Web service operations and Web service parameters; generating a second virtual interface to the Web service implementation, the second virtual interface to expose a second subset of the Web service operations and Web service parameters different, at least in part, than the first subset of the Web service operations and Web service parameters; generating a Web service definition for each of the first and second virtual interfaces, <i>each Web service definition specifying a protocol-independent communication type for communications with the Web service implementation via the first and second virtual interfaces, and further specifying a protocol-independent authentication type for authenticating with the Web service implementation via the first and second virtual interfaces;</i> [read as the web service parameters being independent of runtime implementation requirements of the application server] generating a Web service</p>

descriptor.	<p>deployment descriptor for each Web service definition, each Web service deployment descriptor defining a communication protocol to implement the specified protocol-independent communication type of the corresponding Web service definition, and further defining an authentication protocol to implement the specified protocol-independent authentication type of the corresponding Web service definition; and generating the deployable Web service archive, the deployable Web service archive comprising the Web service implementation, the first and second virtual interfaces to the Web service implementation, the Web service definition for each of the first and second virtual interfaces, and the Web service deployment descriptor for each Web service definition.</p> <p>3. The computer-implemented method of claim 1, further comprising: <i>sending the deployable Web service archive to a Web service application server.</i></p>
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The claims of the current application differ from that of Patent 513' in two respect: Patent 513' does not expressly claim (1) the web service deployment descriptor specifying a mapping of the web service operations and web service parameters to the runtime implementation requirements of the application server; nor (2) unpacking and deploying each of the first and second virtual interfaces as separately published web services within the application server based on the mapping specified by the web service deployment descriptor.

However, although the conflicting claims are not identical, they are not patentably distinct from each because including within a web service archive mappings of the web service operations and the web service parameters to the runtime implementation requirements of the application server was well known in the art (see for example Williams (US 2004/0015564) "mapping descriptors" ¶0074). Furthermore unpacking, deploying, and publishing a web service was also well known in the art (see for example Williams (US 2004/0015564), ¶0078, *"the various component and descriptor files that make up the Web service can now be combined into an archive file ... for distribution and/or deployment on the runtime platform on which the web service will be based"* and ¶0082 *"once a web service has been deployed... in step eight, The Web service is "advertised: so that clients can find and interact with the Web service. As shown in Fig. 9, this is generally done by adding an entry to a UDDI repository (123)."*).

A person having ordinary skill in the art would have been motivated to modify Patent 513' with the teachings of Williams. The motivation for doing so would have been to allow clients to "find" the deployed Web service and interact with it (see Williams ¶0084).

Claims 38-43, 46-51 and 54-58 are rejected under the same rationale as claims 35, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims.

Response to Arguments

Applicant's arguments, see remarks, filed February 18, 2009, with respect to claims 35, 38-43, 46-51 and 54-58 have been fully considered and are persuasive. The 35 U.S.C. 103(a) rejection of claims 35, 38-43, 46-51 and 54-58 has been withdrawn.

Allowable Subject Matter

Claims 35, 38-43, 46-51 and 54-58 are allowed over the prior art.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach nor render obvious a method in an application server, including:

receiving a web service archive including: a web service implementation; a web service deployment descriptor; and a first and second virtual interface, each to selectively expose a different subset of the web service operations and the web service parameters in the web service implementation, wherein each of the first and second virtual interfaces are publishable as a separate deployed web services;

unpacking the web service implementation, the web service deployment descriptor, and the first and second virtual interfaces from the web service archive into a directory within the application server; and

deploying each of the first and second virtual interfaces as separately published Web services within the application server based on mappings specified by the web service deployment descriptor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN Y. HIGA whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Brendan Y Higa/

Examiner, Art Unit 2453

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457